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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,425	08/29/2000	Kenneth E. Flick	58072	8740

27975 7590 04/17/2002

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EXAMINER

SWARTHOUT, BRENT

ART UNIT PAPER NUMBER

2632

DATE MAILED: 04/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

cd

Office Action Summary

Application No.

650,425

Applicant(s)

Flick

Examiner

Brent A Swarthout

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2-8-02
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☒ Other: Formal Drawings were received on 2-8-02

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 5-7, 9-11, 13, 15-17, 19, 21-23, 25 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller et al.

Mueller teaches a vehicle security system with sensors 250, controller means 200, siren 33, shock detector circuit 250, and means 252/254 for causing a siren to sound responsive to a security alarm signal, and for controlling a signal 228/242 responsive to detected shock, except for specifically disclosing use of a housing.

However, since Mueller discloses use of housing for receiver/controller 14, choosing to house other components of the system would have been obvious, in order to protect components from damage due to environmental factors such as moisture, rocks, tar, etc..

Regarding claim 3, Mueller has armed/disarmed modes (col. 7, line 9).

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Regarding claims 5-6, Mueller teaches providing different levels of alarm based on shock intensity (col. 7, line 60-col. 8, line 2; col. 8, lines 40-58)

Regarding claim 7, siren 33 would have inherently included some type of speaker means.

Regarding claims 9-10, Mueller teaches use of receiver 14 and remote transmitter 20, the transmitter capable of sending different codes (col. 5, line 15; col. 13, lines 9-20).

2. Claims 2, 12, 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller et al in view of Suda.

Suda discloses a vehicle security system wherein the security system is disabled when ignition is turned on (col. 7, lines 1-5).

It would have been obvious to use a system disable command upon engine ON condition in a system as disclosed by Mueller, in order to prevent false alarms.

3. Claims 4, 8, 14, 18, 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller et al in view of L'Esperance et al.

L'Esperance teaches a vehicle security system employing both a shock sensor 44 and Hood switch 16. It would have been obvious to use a hood switch in combination with a shock sensor in a

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vehicle security system as disclosed by Mueller, in order to protect a vehicle from a larger number of intrusions. Since L'Esperance teaches that hood switch and shock sensor are directly connected via means 10, choosing to operatively couple the two sensors in a system as taught by Mueller would have been obvious, merely depending on the locations of the sensors in the vehicle, since they would both be interconnected to the system controller.

Regarding claim 8, since L'Esperance discloses hood switch mounted within engine compartment, choosing to place other security system components under the hood would have been obvious, in order to provide protection from the elements and tampering.

4. Regarding applicant's remarks, choosing to take separate known devices and make integral in a housing is obvious to one of ordinary skill in the art, lacking some unexpected result (see In re Larson, 340 F.2d 965 968 144 USPQ 347, 349 (CCPA 1965)).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of

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the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent Swarthout whose telephone number is (703) 304-4383. The examiner can normally be reached on M-F from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

BS/ayc

April 11, 2002



**BRENT A. SWARTHOUT
PRIMARY EXAMINER**